

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA]	
	]	Criminal No. 04-259-A
v.]	
]	
STEVEN BUTLER	]	Count 1: Conspiracy
(Counts 1-2, 4-8, 10-11),	]	(18 U.S.C. § 371)
KIM BUTLER]	
(Counts 1-2, 7, 12),	]	Counts 2-3, 6-9, 11-12:
RANDY McCLOUD, SR.	]	Interstate Transportation of
(Counts 1, 3, 8-9),	]	Property Taken by Fraud
MICHAEL FINCHAM, JR.	]	(18 U.S.C. § 2314)
(Counts 1-2, 4, 6-7, 10),]	
JOSHUA WOODWARD	]	Counts 4, 10: Money Laundering
(Counts 1, 8-9), and	]	(18 U.S.C. § 1956)
ALLAN HAWKINS]	
(Counts 1, 8),	]	Count 5: Bank Fraud
	]	(18 U.S.C. § 1344)
Defendants.]	
	]	Forfeiture

INDICTMENT

June 2004 – at Alexandria

THE GRAND JURY CHARGES THAT:

Count 1
(Conspiracy)

1. From in or about April 2002 through in or about September 2002, in Arlington, Fairfax, Prince William and Fauquier Counties, Virginia, in the Eastern District of Virginia and elsewhere, defendants STEVEN BUTLER, KIM BUTLER, RANDY McCLOUD, SR., MICHAEL FINCHAM, JR., JOSHUA WOODWARD, and ALLAN HAWKINS knowingly combined, conspired, confederated and agreed with persons both known and

unknown to the grand jury to commit offenses against the United States of America,
namely,

- (a) interstate transportation of money taken by fraud, in violation of Title 18, United States Code, Sections 2 & 2314;
- (b) money laundering, in violation of Title 18, United States Code, Sections 2 & 1956(a)(1)(B)(i); and
- (c) bank fraud, in violation of Title 18, United States Code, Sections 2 & 1344.

Manner and Means of the Conspiracy

- 2. The purpose of the conspiracy was to identify homes owned by vulnerable, elderly homeowners in the Washington, D.C., metropolitan area and deceive them into paying the defendants for (a) home repair and yard work that was not needed, or for which the defendants charged excessive fees or multiple times for the same work; (b) fake extermination work; or (c) other fraudulent tasks or pleas for money, such as fake repairs to electrical utilities.
- 3. In the late 1990s STEVEN BUTLER and others began to target elderly homeowners in northern Virginia with home repair, landscaping and other scams.
- 4. Northern Virginia was STEVEN BUTLER's favorite area to seek out and defraud elderly homeowners, because he believed that many prosperous elderly homeowners live there. STEVEN BUTLER would keep track of elderly people he successfully defrauded and swap that information with others, known and unknown to the grand jury, who participated in similar scams.
- 5. STEVEN BUTLER coordinated his efforts with KIM BUTLER, RANDY McCLOUD,

SR., Patrick C., and others. Others would participate in the scams as well, as “talkers,” workers or check cashers for the individuals above, including JOSHUA WOODWARD, MICHAEL FINCHAM, JR., ALLAN HAWKINS, Timothy L., Jeramy H., Randy M., and others known and unknown to the grand jury.

6. STEVEN BUTLER, KIM BUTLER, and others routinely referred to the targeting of elderly homeowners as “granny ripping,” “granny hunting,” and “getting granny.”
7. The manner and means by which these conspirators conducted the conspiracy included the following:
 - (a) It was part of the conspiracy that STEVEN BUTLER, Patrick C., and others would identify victims by: (i) cruising area neighborhoods looking for cars bearing license plates with “handicapped” symbols; (ii) waiting at area shopping centers for elderly women to appear and then following them home; and/or (iii) referring known vulnerable elderly homeowners among members of the conspiracy and others, especially when a victim had become too suspicious of a particular defendant for that defendant to continue to defraud her successfully.
 - (b) It was part of the conspiracy that the defendants would go to the intended victim's residence and pressure or deceive the victim into authorizing the defendants to perform work on the premises that was not needed. Defendants would often have the victim sign written proposals or contracts.
 - (c) It was further part of the conspiracy that the defendants often would tell the victim that they worked for a legitimate landscaping or home repair business, or for a local utility.

- (d) It was further part of the conspiracy that, even if work on the victim's premises was needed, the defendants would perform little or none of the work promised, or perform it in a hasty and shoddy manner.
- (e) It was further part of the conspiracy that the defendants would sometimes trick the victim into paying multiple times for the same work, or into issuing a second check for the same work by claiming that the first check had been rejected by a financial institution. The defendants also would charge the victim far in excess of the fair market value for any work performed or materials used.
- (f) It was further part of the conspiracy that the defendants would often instruct the victim to enter on the payee line of the check written in payment for the work a name other than that of the person asking for the check or of the person who would ultimately receive the proceeds.
- (g) It was further part of the conspiracy that STEVEN BUTLER, if a victim resisted letting him "work" on her property or resisted paying the amount he demanded, would often seek to intimidate and frighten her into compliance.
- (h) It was further part of the conspiracy that, once a member of the conspiracy talked his way into the home of the victim, he would attempt to steal blank checks from the victim in addition to whatever checks the victim wrote to the defendants. These checks would then be forged and cashed at banks or checking cashing businesses.
- (i) It was further part of the conspiracy that the defendants would cash checks at 29 Food Mart or PDG Check Cashing, businesses in or near Culpeper, Virginia.

These businesses were integral to the defendants' activities because defendants knew from experience that these facilities would cash checks the defendants obtained from elderly homeowners.

Overt Acts in Furtherance of the Conspiracy

8. In furtherance of the conspiracy and to effect the objects thereof, the defendants and their co-conspirators committed the following overt acts in the Eastern District of Virginia and elsewhere:

Suzanne A.

9. From in or about April 2002 to July 2002, STEVEN BUTLER, with the assistance of ALLAN HAWKINS, MICHAEL FINCHAM, JR., KIM BUTLER, and others, regularly obtained money from Suzanne A. by fraud. On or about April 25, 2002; May 20, 2002; and July 1, 2002, these persons defrauded Suzanne A. of \$11,300. Ms. A., a resident of Arlington, Virginia, was then 86 years old.
- (a) On or about April 25, 2002, STEVEN BUTLER, with ALLAN HAWKINS and another worker, approached Ms. A. at her home on the pretext of performing home repairs. Once inside the home STEVEN BUTLER and HAWKINS deceived Ms. A. into believing that her attic was infested with squirrels, which the men could remove with "special squirrel spray" costing \$1000 per pound. STEVEN BUTLER charged Ms. A. \$2500 for labor and spray, and asked that the check be put in the name of ALLAN HAWKINS.
- (b) On or about May 20, 2002, STEVEN BUTLER, with MICHAEL FINCHAM, JR., and another worker, returned to Ms. A.'s home and solicited \$2500 for a

college STEVEN BUTLER falsely claimed to be attending. Ms. A. agreed to write the check, which STEVEN BUTLER asked her to make out to “John Smith.”

- (c) On or about July 1, 2002, STEVEN BUTLER, with MICHAEL FINCHAM, JR., and another worker, returned to Ms. A.’s home and talked their way into the house on the pretext of checking work they claimed to have previously done in the attic. Once in the house the group stole blank checks. After leaving the house the group, with the assistance of KIM BUTLER, forged the checks and cashed the checks in an amount totaling \$6300.

10. In or about July 2002, STEVEN BUTLER referred RANDY McCLOUD, SR., to Suzanne A. as a person easy to defraud. On or about July 29, 2002; August 5, 2002; August 10, 2002; and August 15, 2002, RANDY McCLOUD, SR., with JOSHUA WOODWARD and others, obtained \$6350 from Ms. A. by fraud.

- (a) On or about July 29, 2002, RANDY McCLOUD, SR., JOSHUA WOODWARD and another worker arrived at Ms. A.’s home and told her they had come to do various repairs and check work previously done in the attic. The three men went to the attic and made hammering noises, but no work was done. The group then requested, and received, a check for \$1500.
- (b) On or about August 4, 2002, RANDY McCLOUD, SR., JOSHUA WOODWARD and another worker returned to Ms. A.’s home and deceived her into believing that her attic was infested with snakes, and that “snake spray” was needed, which would cost \$1000 per pound. The group requested, and received, a check for

\$2000.

- (c) On or about August 10, 2002, RANDY McCLOUD, SR., JOSHUA WOODWARD and another worker returned to Ms. A.'s home and claimed that further spray was needed. The group then requested, and received, an additional check for \$1650.
- (d) On or about August 15, 2002, RANDY McCLOUD, SR., JOSHUA WOODWARD, and two workers returned to Ms. A.'s home. Ms. A. threatened to call the police, but the group nonetheless entered the home. The group then deceived Ms. A. into believing her attic was infested with lizards, and that "lizard spray" was needed. The group requested, and received, a check for \$1200 in the name of JOSHUA WOODWARD.

Elaine H.

- 11. On or about June 25, 2002, STEVEN BUTLER, MICHAEL FINCHAM, JR., and others went to the home of Elaine H., then an 87 year old resident of College Park, Maryland. After confirming her name and address by retrieving letters from her mailbox, STEVEN BUTLER called 411 information for her telephone number and called her, claiming to be an employee of the local electric company. He then approached the house and talked to Ms. H., telling her that repairs were needed to her electrical wiring that would cost \$6000. While he talked to Ms. H., FINCHAM and the other workers walked around the premises creating the impression that work was being performed. Ms. H. gave the group a check for \$6000.
- 12. On or about June 28, 2002, STEVEN BUTLER, KIM BUTLER, MICHAEL FINCHAM,

JR., and others returned to Ms. H.'s home. Once there, STEVEN BUTLER told Ms. H. that the first check for \$6000 had been returned and that an additional check was needed. To confirm this STEVEN BUTLER called "the bank," which was actually KIM BUTLER at a local 7-11 with a cell phone. KIM BUTLER, posing as a bank employee, assured Ms. H. over the phone that the first check had not gone through. Ms. H. then gave STEVEN BUTLER a second check for \$6000.

Henrietta R.

13. In or about May 2002, STEVEN BUTLER, who had been referred to Henrietta R., an 88 year old resident of Arlington, Virginia, by another man, and RANDY McCLOUD, SR., with the assistance of others, obtained approximately \$15,000 from Ms. R. by fraud.
 - (a) On or about May 3, 2002, STEVEN BUTLER and others went to Ms. R.'s home where, after gaining entry, they pretended to perform various home repair tasks inside the home. The group requested, and was given, a check for \$2200, which was cashed at 29 Food Mart on or about that same day.
 - (b) On or about May 4, 2002, STEVEN BUTLER, ALLAN HAWKINS and others returned to Ms. R.'s home where, under the pretense of "finishing" the work begun the day before, the group continued to pretend to work inside the home. The group requested, and was given, a check for \$5200, which was cashed at 29 Food Mart on or about that same day.
 - (c) On or about May 13, 2002, STEVEN BUTLER, RANDY McCLOUD, SR., JOSHUA WOODWARD and others returned to Ms. R.'s house, where STEVEN BUTLER told WOODWARD and another worker to get on the roof, even though

no one was home. When Ms. R. returned, STEVEN BUTLER followed her into her home while WOODWARD stayed on the roof. STEVEN BUTLER told Ms. R. he was from a hardware store, and that work on the roof was needed.

STEVEN BUTLER requested, and received, a check for \$2650, which was cashed at 29 Food Mart on or about that same day.

- (d) On or about May 14, 2002, STEVEN BUTLER, RANDY McCLOUD, SR., JOSHUA WOODWARD and others returned to Ms. R.'s house. STEVEN BUTLER approached the house and told Ms. R. she needed a new skylight installed, but Ms. R. told him to go away. STEVEN BUTLER refused. She eventually relented and let him in. STEVEN BUTLER directed WOODWARD to get on the roof once again. STEVEN BUTLER then obtained two checks from Ms. R. totaling \$5000, which were cashed at 29 Food Mart on or about that same day.

Leicester R.

14. In or about July, 2002 RANDY McCLOUD, SR., and JOSHUA WOODWARD went to the home of Leicester R., then a 79 year old resident of Washington, D.C. Upon arrival McCLOUD approached the home and told Ms. R. that work was needed on her roof. No work was performed, but McCLOUD and WOODWARD requested, and received, a check for \$3500.
15. The next day RANDY McCLOUD, SR., and JOSHUA WOODWARD returned to the home of Ms. R., where McCLOUD instructed WOODWARD to spray Ms. R.'s bushes for "worms," although no worms were seen. They then requested from Ms. R., and

received, a check for \$3000.

Josephine W.

16. On or about July 1, 2002, STEVEN BUTLER led MICHAEL FINCHAM, JR., and others to the home of Josephine W., then an 87 year old resident of Arlington, Virginia. After initially talking to Ms. W., STEVEN BUTLER directed most of the group to begin working on the roof and in the yard. He then returned to the house with one of the group, who he directed to clean the floors.
17. STEVEN BUTLER told Ms. W. that he was going to charge her a lot of money for the work his group was doing, and wanted to know how much money she had because he was going to take half of it. Ms. W. said she could not afford to pay him that much because she needed the money for weekly physical therapy for her arm.
18. STEVEN BUTLER took Ms. W.'s checkbook and looked through it. He determined that her balance was about \$30,000, after which he demanded \$15,000. She refused. STEVEN BUTLER then began screaming at Ms. W. that she better pay him or else. Ms. W., crying, pleaded with the other worker present to "get him out of here." The worker told STEVEN BUTLER that Ms. W. needed the money for therapy for her arm, to which STEVEN BUTLER responded, "F* *k her arm." Ms. W. then yelled that she would call the police, in response to which STEVEN BUTLER told her he would yank the telephone out of the wall.
19. Ms. W. wrote a check for \$1900, which STEVEN BUTLER directed her to put it in the name of Allen Lewis. The contract STEVEN BUTLER had written up upon first exiting Ms. W.'s home listed a total price of \$750. STEVEN BUTLER also stole an additional

blank check from Ms. W.'s checkbook. The group was at the home about one hour or less.

20. After leaving, STEVEN BUTLER directed one of the workers to cash the check for \$1900 and give the proceeds to him. On or about the next day the stolen blank check was forged for \$4500, after which STEVEN BUTLER called KIM BUTLER and, per their arrangement before STEVEN BUTLER went to Ms. W.'s home, asked her to pick up the check and try to cash it. KIM BUTLER came for the check with another person, had it cashed at PDG Check Cashing in Culpeper, and gave the proceeds to STEVEN BUTLER. STEVEN BUTLER then distributed small amounts to the group and split the balance with KIM BUTLER.

KIM BUTLER's November 2003 Meeting at the Golden Corral Diner

21. In November 2003, KIM BUTLER met an acquaintance at the Golden Corral Diner in Manassas, Virginia, and tried to recruit her for scams against the elderly. KIM BUTLER described a successful recent scam she had performed with others on an elderly Arlington, Virginia, homeowner. She then asked the acquaintance to help them perpetrate a new scam against the same homeowner, in which the acquaintance and others would tell the victim that a friend of KIM BUTLER's needed \$10,000 for back surgery or the friend would become paralyzed. KIM BUTLER offered the acquaintance \$3000 if the scam succeeded. KIM BUTLER's friend would receive \$1000, and KIM BUTLER said she would use the balance to pay bills, pay STEVEN BUTLER's lawyer, and "have a good Christmas."

(In violation of Title 18, United States Code, Section 371.)

Charges Relating to Suzanne A.

Count 2

(Interstate Transportation of Property Taken by Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

22. On or about the dates indicated below, in the Eastern District of Virginia and elsewhere, defendants STEVEN BUTLER, KIM BUTLER and MICHAEL FINCHAM, JR., did knowingly cause to be transmitted and transported securities and money of the value of \$5,000 or more, specifically personal checks, knowing said checks to have been taken by fraud from Suzanne A. during a related course of conduct, and said checks having been transmitted and transported in interstate commerce, specifically from the Commonwealth of Virginia to the State of Pennsylvania:

<u>Date</u>	<u>Check No.</u>	<u>Amount</u>
April 25, 2002	11002	2500
May 20, 2002	11017	2500
July 5, 2002	11066	3000

(In violation of Title 18, United States Code, Sections 2 & 2314.)

Count 3

(Interstate Transportation of Property Taken by Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

23. On or about the dates indicated below, in the Eastern District of Virginia and elsewhere, defendant RANDY McCLOUD, SR., did knowingly cause to be transmitted and transported securities and money of the value of \$5,000 or more, specifically personal checks, knowing said checks to have been taken by fraud from Suzanne A. during a related course of conduct, and said checks having been transmitted and transported in interstate commerce, specifically from the Commonwealth of Virginia to the State of Pennsylvania:

<u>Date</u>	<u>Check No.</u>	<u>Amount</u>
July 29, 2002	1004	1500
August 4, 2002	1013	2000
August 10, 2002	1020	1650
August 15, 2002	1024	1200

(In violation of Title 18, United States Code, Section 2314.)

Count 4

(Money Laundering)

THE GRAND JURY FURTHER CHARGES THAT:

24. On or about May 20, 2002, in the Eastern District of Virginia and elsewhere, defendants STEVEN BUTLER and MICHAEL FINCHAM, JR., did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, that is, caused to be cashed a check, number 11017, drawn on the account of Suzanne A., which transaction involved the proceeds of a specified unlawful activity, that is, the interstate transportation of securities and money of the value of \$5,000 or more, specifically personal checks, knowing (a) these checks to have been taken by fraud in violation of 18 U.S.C. § 2314, (b) that the transaction involving check # 11017 was designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of the said specified unlawful activity, and (c) that the property involved in the transaction, that is, check # 11017, represented the proceeds of some form of unlawful activity.

(In violation of Title 18, United States Code, Sections 2 & 1956(a)(1)(B)(i).)

Count 5

(Bank Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

25. On or about June 8, 2002, in the Eastern District of Virginia and elsewhere, defendant STEVEN BUTLER did knowingly execute and attempt to execute a scheme and artifice to defraud a financial institution, specifically First Union Bank, now known as Wachovia, and obtain funds owned by, and in the custody or control of, that financial institution by means of false and fraudulent pretenses and representations, that is, by presenting a false and fraudulent check, number 11072, drawn on the First Union account of Suzanne A. in the amount of \$3300.

(In violation of Title 18, United States Code, Sections 2 & 1344.)

Charges Relating to Elaine H.

Count 6

(Interstate Transportation of Property Taken by Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

26. On or about June 25, 2002, in the Eastern District of Virginia and elsewhere, defendants STEVEN BUTLER and MICHAEL FINCHAM, JR., did knowingly transport, and cause to be transported, securities and money of the value of \$5,000 or more, specifically the cash proceeds of check number 0620, in the amount of \$6000, knowing said check and proceeds to have been taken by fraud from Elaine H., and said proceeds having been transported in interstate commerce, specifically from the State of Maryland to the Commonwealth of Virginia.

(In violation of Title 18, United States Code, Sections 2 & 2314.)

Count 7

(Interstate Transportation of Property Taken by Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

27. On or about June 28, 2002, in the Eastern District of Virginia and elsewhere, defendants STEVEN BUTLER, KIM BUTLER, and MICHAEL FINCHAM, JR., did knowingly transport, and cause to be transported, securities and money of the value of \$5,000 or more, specifically check number 0661, in the amount of \$6000, knowing said check to have been taken by fraud from Elaine H., and said check having been transported in interstate commerce, specifically from the State of Maryland to the Commonwealth of Virginia.

(In violation of Title 18, United States Code, Sections 2 & 2314.)

Charges Relating to Henrietta R.

Count 8

(Interstate Transportation of Property Taken by Fraud)

28. On or about the dates indicated below, in the Eastern District of Virginia and elsewhere, defendants STEVEN BUTLER, RANDY McCLOUD, SR., JOSHUA WOODWARD, and ALLAN HAWKINS did knowingly cause to be transmitted and transported securities and money of the value of \$5,000 or more, specifically personal checks, knowing said checks to have been taken by fraud from Henrietta R. during a related course of conduct, and said checks having been transmitted and transported in interstate commerce, specifically from the Commonwealth of Virginia to the State of New Jersey.

<u>Date</u>	<u>Check No.</u>	<u>Amount</u>
May 3, 2002	122	2200
May 4,2002	123	5200
May 13, 2002	126	2650
May 14, 2002	127	2500
May 14, 2002	128	2500

(In violation of Title 18, United States Code, Sections 2 & 2314.)

Charges Relating to Leicester R.

Count 9

(Interstate Transportation of Property Taken by Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

29. In or about July, 2002, in the Eastern District of Virginia and elsewhere, defendants RANDY McCLOUD, SR. and JOSHUA WOODWARD did knowingly transport, and cause to be transported securities and money of the value of \$5,000 or more, specifically two personal checks in the amounts of \$3500 and \$3000, knowing said checks to have been taken by fraud from Leicester R. during a related course of conduct, and said checks having been transported in interstate commerce, specifically from Washington, D.C. to the Commonwealth of Virginia.

_____(In violation of Title 18, United States Code, Sections 2 & 2314.)

Charges Relating to Josephine W.

Count 10

(Money Laundering)

THE GRAND JURY FURTHER CHARGES THAT:

30. On or about July 1, 2002, in the Eastern District of Virginia and elsewhere, defendants STEVEN BUTLER and MICHAEL FINCHAM, JR., did knowingly conduct and cause to be conducted a financial transaction affecting interstate and foreign commerce, that is, caused to be cashed a check, number 0743, drawn on the account of Josephine W. in the amount of \$1900, which transaction involved the proceeds of a specified unlawful activity, that is, extortion, in violation of Title 18.2, Virginia Code, Section 59, knowing (a) the check to have been acquired by extortion, (b) the financial transaction was designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of the extortion, and (c) the property involved in the transaction, that is, the check, represented the proceeds of some form of unlawful activity.

(In violation of Title 18, United States Code, Sections 2 & 1956(a)(1)(B)(i) & 2.)

Charges Relating to Mary K.

Count 11

(Interstate Transportation of Property Taken by Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

31. On or about the dates indicated below, in the Eastern District of Virginia and elsewhere, defendant STEVEN BUTLER and others unknown to the grand jury did knowingly cause to be transmitted and transported securities and money of the value of \$5,000 or more, specifically personal checks, knowing said checks to have been taken by fraud from Mary K. during a related course of conduct, and said checks having been transmitted and transported in interstate commerce, specifically from the Commonwealth of Virginia to the State of Pennsylvania.

<u>Date</u>	<u>Check No.</u>	<u>Amount</u>
August 4, 2003	4947	2000
August 8, 2003	4957	3430
August 13, 2003	4959	1800
September 10, 2003	4965	3620
September 11, 2003	4966	4450
September 12, 2003	4967	1500

(In violation of Title 18, United States Code, Sections 2 & 2314.)

Charges Relating to Cabell B.

Count 12

(Interstate Transportation of Property Taken by Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

32. On or about the dates indicated below, in the Eastern District of Virginia and elsewhere, defendant KIM BUTLER, and others known to the grand jury, did knowingly cause to be transmitted and transported securities and money of the value of \$5,000 or more, specifically personal checks, knowing said checks to have been taken by fraud from Cabell B. during a related course of conduct, and said checks having been transmitted and transported in interstate commerce, specifically from the Commonwealth of Virginia to the State of Pennsylvania.

<u>Date</u>	<u>Check No.</u>	<u>Amount</u>
August 25, 2003	497	5500
August 26, 2003	499	8300
August 28, 2003	503	3050
September 10, 2003	525	5800
December 20, 2003	790	7500

(In violation of Title 18, United States Code, Sections 2 & 2314.)

Forfeiture

33. Pursuant to Rule 32.2(a), the defendants are hereby notified that, if convicted of any of the offenses alleged above in Counts 1 - 12 and, as to STEVEN BUTLER alone, any of the offenses alleged in Count 11 and, as to KIM BUTLER alone, any of the offenses alleged in Count 12, each convicted defendant shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) & 982(a)(1), the following property:

1. All right, title, and interest in any and all property, real or personal, which constitutes or is derived from proceeds traceable to the offenses of conspiracy, in violation of 18 U.S.C. § 371, interstate transportation of money taken by fraud, in violation of 18 U.S.C. § 2314, and bank fraud, in violation of 18 U.S.C. § 1344;
2. All right, title, and interest in any and all property, real or personal, involved in the offense of money laundering, in violation of 18 U.S.C. § 1956(a)(1)(B)(i);
3. All property traceable to property included in subparagraphs (a) and (b) above, including: (1) all money or other property that was the subject of each transaction, transportation, transmission or transfer in violation of 18 U.S.C. §§ 371, 2314, 1344 & 1343; (2) all commissions, fees and other property constituting proceeds obtained as a result of those violations; and (3) all property used in any manner or part to commit or to facilitate the commission of those violations; and
4. A sum of money equal to the total amount of money involved in each offense for which the defendant is convicted. If more than one defendant is convicted of an offense, the defendants so convicted are jointly and severally liable for the amount involved in such offense.

34. Pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p), each convicted defendant shall forfeit substitute property, up to the value of the amount calculated pursuant to subparagraph 1(d) above, if, by any act or omission of the defendant, the property described above, or any portion thereof, cannot be located upon the exercise of due diligence; has been transferred, sold to or deposited with a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

(In accordance with Title 18, United States Code, Sections 981 and 982; Title 28, United States Code, Section 2461(c); and Rule 32.2(a), Federal Rules of Criminal Procedure.)

A TRUE BILL:

FOREPERSON

PAUL J. MCNULTY
UNITED STATES ATTORNEY

By:

Andrew E. Lelling
Michael E. Rich
Assistant United States Attorneys

Kevin Di Gregory
Assistant United States Attorney
Deputy Chief, Criminal Division